

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1109 of 2017

1. Prafful Kumar Mandal Son of Shri Rajendra Mandal Resident of village - Madachak, Police Station - Amarpur, District - Banka.
2. Lakshman Prasad Yadav Son of Horil Prasad Yadav Resident of Village - Bhemiya, Police Station - Katoriya, District - Banka.
3. Pramod Mandal Son of Late Saleswar Mandal Resident of Village - Fatuchak, Police Station - Ghoraiya, District Banka.
4. Subhash Kumar Thakur Son of Late Chulhai Thakur Resident of Village - Muluk, Police Station - Barahat, District Banka.
5. Arjun Prasad Singh Son of Sri Anup Lal Singh Resident of Village - Khaira, Police Station - Barahat, District - Banka.
6. Archana Bharti Daughter of Late Sudama Prasad Resident of Village - Barbadda, Police Station - Rajoun, District - Banka.
7. Ram Gopal Nirala Son of Sundar Mahto Resident of Village - Navtoliya, Police Station - Amarpur, District - Banka.
8. Muneshwar Lal Manjhi Son of Ganesh Prasad Manjhi Resident of Village - Kathara, Police Station - Amarpur, District - Banka.
9. Sunil Kumar Suman Son of Huere Pandit Resident of Village - Sadpur, Police Station - Amarpur, District - Banka.
10. Laloo Prasad Yadav Son of Sahdeo Yadav Resident of Village - Dhawavaran Police Station - Fullidumar, District - Banka.
11. Devendra Rai Son of Bangali Rai Resident of Village - Olani, Police Station - Banka, District - Banka.
12. Kamleshwari Prasad Yadav Son of Janardan Yadav Resident of Village - Majhali Kuswhasa, Police Station - Fullidumar, District - Banka.
13. Rishi Kant Sah Son of Sri Yoginder Prasad Sah Resident of Village - Karikoda, Police Station - Banka, District - Banka.
14. Ajay Kumar Son of Ram Charan Resident of Village - Bhaluadamagi, Police Station - Banka, District - Banka.
15. Raghunandan Kumar Son of Anandi Prasad Mandal Resident of Village - Gadhotikar, Police Station - Banka, District - Banka.
16. Dashrath Kumar Son of Vishwa Nath Das Resident of Village - Kalyanpur, Police Station - Banka, District - Banka.
17. Brajesh Kumar Son of Shri Mahendra Pandit Resident of Village - Jhapaniya, Police Station - Bausi, District - Banka.
18. Ghanshyam Thakur Son of Bharat Thakur Resident of Village - Kushmaha, Police Station - Bausi, District - Banka.
19. Krishna Kinkar Thakur Son of Sri Shaligram Thakur Resident of Village - Madhachak, Police Station - Amarpur, District - Banka.
20. Lalan Kumar Singh Son of Tej Narayan Prasad Resident of Village - Kurthiyha, Police Station - Hathiyadhadha, District - Banka.
21. Rishi Kant Pandit Son of Shri Hari Mohan Pandit Resident of Village - Gunakol, Police Station - Banka, District - Banka.
22. Prahlad Sharma Son of Ghanshyam Prasad Sharma Resident of Village - Kujhiya, Police Station - Banka, District - Banka.
23. Braj Kishore Kanti Son of Asharpahi Lal Kanti Resident of Village - Benipur, Police Station - Bahera, Post Office - Benipur, District Darbhanga.



24. Raghunandan Choupal Son of Shri Bhukhan Choupal Resident of Village - Ashapur, Post Office + Police Station - Bahera, District - Darbhanga.
25. Ajay Kumar Mandal Son of Late Tejan Mandal Resident of Village - Benipur, Hanumannagar, P.O. and P.S. Benipur, District Darbhanga.
26. Sarbesh Kumar Paswan Son of Shiv Narayan Paswan Resident of Village - Benipur, Post Office & Police Station - Benipur, District - Darbhanga.
27. Mahesh Mahto Son of Late Nathuni Mahto Resident of Village - Milki Tola, Police Station - Mohiuddin Pur Pakri, P.S. - Alinagar, District Darbhanga.
28. Irfan Ali Son of Md. Alihasim Resident of Village - Mohiuddinpur Pakri, Police Station Alinagar, District - Darbhanga.
29. Md. Fakhre Alam Son of Md. Shakir Hussain Resident of Village and Post Office - Dhamwara, Via - Kursonandiyamki, Police Station - Bahera, District - Darbhanga.
30. Birendra Paswan Son of Suraj Paswan Resident of Village & P.O. - Dhamsana, Via - Kursonandiyamki, Police Station - Bahera, District - Darbhanga.
31. Umesh Thakur Son of Late Lakshmi Thakur Resident of Village & Post Office - Salepur, Via - Ghanshyampur, District - Darbhanga.
32. Ranjit Kumar Jha Son of Late Arjun Jha Resident of Village and P.O.- Lagya, Via - Ghanshyampur, Block - Ghanshyampur, District - Darbhanga.
33. Ram Bilas Paswan Son of Sri Ghuran Paswan Resident of Village & P.O. Dhega, P.S. - Saketpur, Block - Tardih, District Darbhanga.
34. Ramdeo Das Son of Kameshwar Das Resident of Village - Makhanpur, Post Office - Basha Mirzapur, District - Darbhanga.
35. Mahadev Mahto Son of Budhdev Mahto Resident of Village & Post Office - Hariyata, Police Station - Alinagar, District - Darbhanga.
36. Akhlak Ahmad Son of Md. Usman Resident of Village & Post Office - Jhagarua, Via - Ghanshyampur, Police Station - Jamalpur, District - Darbhanga.
37. Hasan Sajjad Son of Sajjad Hussain Resident of Villagea and Post Office - Jhagarua Via - Ghanshyampur, Police Station - Jamalpur, District - Darbhanga.
38. Arun Kumar Paswan Son of Late Basant Paswan Resident of Village - Kathara, Post Office - Dhengaha, Police Station - Sakatpura, District - Darbhanga.
39. Diwakar Manjhi Son of Sri Narayan Manjhi Resident of Village Kishanpur, Police Station - Amarpur, District - Banka.
40. Ravindar Kumar Son of Rudra Narayan Yadav Resident of Village - Janakpur, Post Office - Johar Jamuna, Police Station - Amarpur, District - Banka.
41. Parmanand Yadav Son of Sri Banarsi Yadav Resident of Village and Post Office - Surihari, Police Station - Amarpur, District Banka.



42. Juli Devi Daughter of Jaldhar Prasad Singh Resident of Village - Dohi Jamkipur, Post Office - Patai, Police Station - Amarpur, District Banka.
43. Reena Kumari Wife of Sikandar Yadav Resident of Village - Naksosa, Post Office - Kadhela, Police Station - Amarpur, Banka.
44. Mithilesh Kumar Mandal Son of Saryuj Mandal Resident of Village - Pawai Dih, Post Office - Pawai, Police Station - Amarpur, District Banka.
45. Babli Kumar Thakur Son of Sri Ganesh Thakur Resident of Village Swaranjpur, Police Station - Amarpur, District Banka.
46. Shiv Nandan Kumar Mahto Son of Muneshwar Prasad Mahto Resident of Village - Itwa (Sadpur), Post Office - Rajwara, Police Station - Amarpur, District - Banka.
47. Ramdeo Yadav Son of Rebal Yadav Resident of Village - Larjore, Post Office - Tengra, Police Station - Belhar, District - Banka.
48. Pramod Yadav Son of Kailash Yadav Resident of Village and Post Office - Basmata, Police Station - Belhar, District - Banka.
49. Md. Abulkhair Ashraf Son of Late Md. Sakhawat Ansari Resident of Village - Singarpur, Post Office - Chalna, District - Banka.
50. Keshav Kumar Son of Late Bideshi Manjhi Resident of Village & Post Office - Lakhpora, Police Station - Panjwara, District - Banka.
51. Manju Devi Wife of Purshottam Mandal Resident of Village - Chechra, Post Office - Lakhpur, Post Office Panjwara, District - Banka.
52. Anuj Yadav Son of Banarsi Yadav Resident of Village - Basauli, Post Office - Sawalpur, Police Station - Panjwara, District - Banka.
53. Shatrughan Chouhan Son of Sri Narsingh Prasad Chouhan Resident of Village - Rajbandh, Post Office - Jaganpur, Police Station Panjwara, District Banka.
54. Bibhuti Prasad Singh Son of Shiv Narayan Singh Resident of Village - Kushmi, Post Office - Chandadih, Police Station - Dhouraiya, District - Banka.
55. Md. Sajjad Hussain Son of Md. Atif Hussain Resident of Village Uchhadiha, Post Office Ahiro, Block - Ghoria, District Banka.
56. Dilip Kumar Soren Son of Late Jhari Lal Soren Resident of Village & Post - Malbathan, Police Station - Katoriya, District - Banka.
57. Mahesh Thakur Son of Ramu Thakur Resident of Village - Palania, Post Office - Kadhar, Block - Katoriya, District - Banka.
58. Satyanarayan Yadav Son of Saryuj Yadav Resident of Village - Ahra, Post Office - Kharna, P.S. Chandan, District - Banka.
59. Chote Lal Pandit Son of Sri Masudi Pandit Resident of village & Post Office - Nimia, District - Banka.
60. Bhushan Kumar Lal Son of Late Falo Prasad Rai Resident of Village - Koyyalore, Post Office - Bahrana, P.S. Belhar, District - Banka.



61. Ajay Kumar Das Son of Sri Sita Ram Das Resident of Village & Post Office - Ram Chandrapur Ithari, P.S.- Amarpur, District - Banka.
62. Vishnu Kumar Yadav Son of Late Masudan Yadav Resident of Bholki Bandh, Post Office - Donda, Police Station - Banka, District Banka.
63. Sabnam Bano Daughter of Md. Sayed Ansari Resident of Village - Kowakol, Post Office - Dudhari, Police Station - Banka, District Banka.
64. Narsingh Yadav Son of Sri Manbharan Yadav Resident of Pidrown, Post Office Kakwara, Police Station - Banka, District - Banka.
65. Nilam Kumari Wife of Raman Kumar Resident of Majhgaon, Post Office Jaber Jamua, P.S. Amarpur, District - Banka.
66. Hari Bol Das Son of Dudhraj Das Resident of Village Baramhua, Post Office - Dohohan, Police Station and District Banka.
67. Md. Sahim Son of Md. Manir Resident of Village - Jhunka, Post Office - Tengra, Police Station - Belhar, District - Banka.
68. Amin Kumar Das Son of Sri Budho Das Resident of village - Chatiman, Post Office - Dudhari, District - Banka.
69. Devendra Kumar Das Son of Bhikho Das Resident of Tindobha, Post Office - Baniajkura, P.S. Katoriya, District Banka.
70. Manoj Kumar Yadav Son of Sri Dishembeer Das Resident of Village - Barghania, Post Office - Baniakura, Police Station Katoria, District Banka.
71. Nandu Prasad Sah S/o Sri Sadhu Sah Resident of Village - Katoria, P.O. & Police Station - Katoria, District - Banka.
72. Dinesh Prasad Yadav S/o Late Mantu Prasad Yadav Resident of Village - Palania, P.O. Malbathan, Police Station - katoria, District - Banka.
73. Pramod Kumar Mandal S/o Sri Manraj Mandal Resident of Village - Tithihivatan, P.O. - Paperevakhurd, Police Station - Katoria, District - Banka.
74. Pankaj Kumar S/o Sri Ganesh Prasad Yadav Resident of Village - Kalacharna, P.O. - Charkapathar, Police Station - Katoria, District - Banka.
75. Sikandar Prasad Yadav S/o Sri Haidhar Prasad Yadav Resident of Village - Purandih, P.O. - Kamdeo Dih, Police Station - Katoria, District - Banka.
76. Thakur Prasad Yadav S/o Sri Debi Prasad Yadav Resident of Village - Balupura, P.O. - Kadhar, Police Station - Katoria, District - Banka.
77. Dhanraj Yadav S/o Sri Katki Yadav Resident of Village - Malhorichak, P.O. - Kadhar, Police Station - Katoria, District - Banka.
78. Rameshwar Prasad Yadav S/o Sri Kaleshwar Prasad Yadav Resident of Village - Dullidih, P.O. - Malbadhan, Police Station - Katoria, District - Banka.
79. Md. Salim Akhtar S/o Md. Ijuddin Resident of Village -Jaipur, P.O. - Jaipur, Police Station - Katoria, District - Banka.



80. Tribhuvan Kumar S/o Late Deo Narain Yadav Resident of Village Jakhajore, P.O. - Barvasini, Police Station - Katoria, District - Banka.
81. Rajesh Kumar S/o Tharu Prasad Yadav Resident of Village - Bhairapur, P.O. - Supha, Police Station - Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadav- GP23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 30-11-2017

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Earlier the writ petitioners have approached this Court by way of filing CWJC No. 14493 of 2008 and other analogous cases. The writ court disposed of the writ petition on 21.3.2012 with the following observations:

“Considering all these aspects, this Court, without expressing any opinion on the merits of the claim of the petitioners, would give them liberty to file their representation before the Principal Secretary of the Human Resources Development Department, Bihar, who in the light of the scheme of the Government as with regard to the earlier abolished post of Panchayat Shiksha Mitra and the post of Lok



Shikshak will place the matter before the State Government and obtain necessary orders as with regard to extending the same facility of the post of Panchayat Shiksha Mitra to the Lok Shikshak.

With the aforementioned observations and directions, these applications are disposed of.”

After the above order, the case of the petitioners was considered by the Principal Secretary, Education Department, Government of Bihar and after detailed discussion, the Principal Secretary, Education Department held out that the Lok Shikshaks are not entitled to absorption as Panchayat Shikshak and as such he rejected the claim of the petitioners and others.

Counsel appearing on behalf of the State submits that the petitioners cannot be granted the relief in the nature of direction to the respondents for regularization of their services in view of the judgment of the Apex Court in the case of the **Secretary, State of Karnataka and Ors. vs Umadevi and Others: (2006) 4 SCC 1.**

Counsel for the petitioner conceded to the extent that direction for regularization, after the judgment in Umadevi’s case, is impermissible. However, he submits that since the petitioners have worked under the scheme of the State Government as such they are entitled to consideration of their case for age relaxation considering the fact that they have worked under the scheme of the



State Government, there is absolutely no dispute that these petitioners have rendered services in furtherance of the scheme of the State Government for promoting education pursuant to the constitutional amendment and insertion of Article 21A and Right to Children to Free and Compulsory Education Act, 2009. It is admitted position that petitioners are still continuing.

The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the petitioners are otherwise eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2017
Transmission Date	

